

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE PHARMACEUTICAL INDUSTRY)
AVERAGE WHOLESALE PRICE LITIGATION) MDL No. 1456

THIS DOCUMENT RELATES TO) Civil Action No. 01-CV-12257 PBS
01-CV-12257-PBS AND 01-CV-339)
) Judge Patti B. Saris
) Chief Magistrate Judge Marianne B. Bowler

MOTION TO SUBSTITUTE APPEARANCE OF COUNSEL

Now comes Jacob T. Elberg, on behalf of the law firm of Dwyer & Collora, LLP, and moves to substitute his appearance for attorney Joseph E. Haviland in the above captioned matter.

As reason for this motion, counsel states that Mr. Haviland unexpectedly passed away on September 1, 2005. The appearance of attorney Jacob T. Elberg is attached.

Respectfully submitted,

/s/ Jacob T. Elberg
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September 15, 2005